

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>GIP17PT03</b>		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. <b>PCT/EP 03/50909</b>	International filing date (day/month/year) <b>28.11.2003</b>	Priority date (day/month/year) <b>02.12.2002</b>	
International Patent Classification (IPC) or both national classification and IPC <b>C08G18/48</b>			
Applicant <b>LAMBERTI SPA et al.</b>			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand <b>30.06.2004</b>	Date of completion of this report <b>19.01.2005</b>
Name and mailing address of the international preliminary examining authority:  <b>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 apmu d Fax: +49 89 2399 - 4465</b>	Authorized Officer <b>Otegui Rebollo, J</b> Telephone No. <b>+49 89 2399-8670</b> 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**International application No. **PCT/EP 03/50909****I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-20 as originally filed

**Claims, Numbers**

1-17 received on 24.09.2004 with letter of 16.09.2004

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**International application No. **PCT/EP 03/50909****V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement****1. Statement**

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	1-17
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

**2. Citations and explanations****see separate sheet**

**INTERNATIONAL PRELIMINARY**

International application No. PCT/EP 03/50909

**EXAMINATION REPORT - SEPARATE SHEET**

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**Re Item V****Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: EP-A-0 060 430 (GOLDSCHMIDT AG TH) 22 September 1982 (1982-09-22)
- D2: WO 99 52961 A (CLARIANT INT LTD ;DANNER BERNARD (FR);  
CLARIANT FINANCE BVI LTD (V) 21 October 1999 (1999-10-21) cited in  
the application
- D3: EP-A-1 184 400 (BAYER AG) 6 March 2002 (2002-03-06)

The subject-matter of claims 1 to 17 of the present application appears to be novel (Article 33(2) PCT) and involve an inventive step (Article 33(3) PCT) because the skilled person trying to ascertain the teaching of D1, where (implicitly aqueous) dispersions of non-ionic blocked polyisocyanates obtained from the reaction of a polyisocyanate, a blocking agent and a non-ionic diol having poly(ethylene and/or polypropylene ether) side-chains were disclosed (see passages cited in the search report) would not have obtained from this document any indication to use a thermally reversible isocyanate blocking agent (disclosed in D2 or D3), as the only isocyanate blocking agents disclosed in D1 (see page 6, lines 35 to 38) are thermally stable, in order to solve the problem underlying the invention: to provide stable aqueous dispersions of non-ionic block polyisocyanates.